

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

LANE K. KROLL,

**Plaintiff,**

V.

K.B.,

**Defendant.**

NO: 4:20-CV-5204-TOR

**ORDER DISMISSING ACTION  
WITHOUT PREJUDICE**

By Order filed November 12, the Court directed Plaintiff, a *pro se* pretrial

detainee at the Benton County Jail, to clarify his intent regarding this case. ECF No.

4. Plaintiff had filed an AO 91 (Rev. 11/11) Criminal Complaint form on October

20, 2020. On November 12, 2020, a third party filed a letter asking the Clerk of

Court to “dismiss” this case and “possibly forward to the ‘correct’ lawful

authorities.” ECF No. 3.

The Court explained that Plaintiff is precluded from bringing a criminal

complaint in this Court or requesting this Court to compel prosecution based on

1 Plaintiff's asserted charges. ECF No. 4 at 3. The Court then gave Plaintiff the option  
2 to file a civil rights complaint utilizing the form provided and to pay the filing fee to  
3 commence this action under 28 U.S.C. § 1914(a) or to comply with the *in forma*  
4 *pauperis* requirements of 28 U.S.C. § 1915(a). ECF No. 4 at 3-4. In the alternative,  
5 the Court granted Plaintiff the opportunity to voluntarily dismiss this action. *Id.* at  
6 4. He did neither.

7 The Court concludes that Plaintiff has chosen to abandon this litigation.

8 Therefore, **IT IS ORDERED** this action is **DISMISSED without prejudice**  
9 for failure to comply with the filing fee or *in forma pauperis* requirements.

10 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order,  
11 enter judgment of dismissal without prejudice, provide a copy to Plaintiff and  
12 **CLOSE** the file. The Court certifies any appeal of this dismissal would not be taken  
13 in good faith.

14 **DATED** December 21, 2020.



15 A handwritten signature in blue ink that reads "Thomas O. Rice".  
16 THOMAS O. RICE  
17 United States District Judge  
18  
19  
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